



PATENT
Docket No.: 19226/2331 (R-5839)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Deborah D.L. Chung

Serial No. : 10/807,487

Cnfrm. No. : 3059

Filed : March 23, 2004

For : THERMAL PASTE FOR IMPROVING THERMAL
CONTACTS

Examiner:
Unknown

Art Unit:
1762

PETITION FOR CORRECTION OF FILING DATE
UNDER 37 CFR §1.10(c)

COPY

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits that the presently accorded filing date of March 22, 2004 for the above-identified application is incorrect. Therefore, pursuant to 37 CFR § 1.10(c), applicant hereby petitions the Commissioner for Patents to correct the accorded filing date of the above-identified application to reflect the actual filing date of March 23, 2004.

Applicant submits that this Petition is being filed in compliance with 37 CFR § 1.10(c)(1). A marked copy (indicating the erroneous filing date) of the Official Filing Receipt is attached hereto as Exhibit A.

Applicant also submits that the Express Mail No. EV138586129US was placed on the Express Mail Certificates accompanying the above-identified application and its Transmittal Letter, which satisfies the requirements under 37 CFR § 1.10(c)(2). A copy of the Transmittal Letter and Fee Transmittal is attached hereto as Exhibit B. Copies of all Express Mail Certificates filed with the present application are attached as Exhibit C.

As identified in the Transmittal Letter, accompanying the application (39 pages) and Transmittal Letter were: (a) drawings (3 pages); (b) an unsigned Combined Declaration and Power of Attorney (2 pages); (c) a pre-paid return receipt postcard; (d) a check in the amount of \$1,281.00 (see Exhibit B). An Express Mail Certificate signed by Shawn A. Lockett accompanied each of the following: the Transmittal Letter and Fee Transmittal for FY2004; the drawings; the application and unsigned Combined Declaration and Power of Attorney form.

Each of these materials was placed into the Express Mail package bearing Express Mail No. EV138586129US, and the sealed Express Mail package was delivered by Mr. Lockett to a representative of the U.S. Postal Service ("USPS") at the U.S. Post Office, Midtown Plaza Station, Rochester, New York 14604 on March 23, 2004. An Express Mail receipt was provided to Mr. Lockett by the representative of the USPS and this receipt was placed in the appropriate Nixon Peabody file, bearing docket number 19226/2331, by a docketing clerk.

In compliance with 37 CFR § 1.10(c)(3), applicant presents herewith a copy of the Express Mail receipt returned to applicant's representatives following deposit of the Express Mail package bearing Express Mail No. EV138586129US with the USPS (attached as Exhibit D). The Express Mail receipt also bears Express Mail No. EV138586129US (upper left corner) and the attorney docket number 19226/2331 (in the lower left). This is the same docket number present on the Transmittal Letter and the Express Mail Certificates (compare Exhibits B, C, and D). The Express Mail receipt bears a hand-stamp date and a hand written "date in" date of March 23, 2004. Applicant submits that this documentation conclusively indicates the mail date of March 23, 2004 as the correct filing date, satisfying the requirements under 37 CFR § 1.10(c)(3).

In view of all of the foregoing in satisfaction of the requirements under 37 CFR § 1.10(c), applicant respectfully requests that the accorded filing date be corrected to read March 23, 2004 and that the U.S. Patent and Trademark Office mail a corrected filing receipt to applicant's representative.

Although applicant believes that no fee is due upon consideration of this Petition, the Commissioner is authorized to charge any necessary fees to our Deposit Account No. 14-1138

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Respectfully submitted,

Date: 7.29.2004

Candice J. Clement

Candice J. Clement

Registration No. 39,946

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Rochester, New York 14603-1051
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CERTIFICATE OF MAILING OR TRANSMISSION
[37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on 7/29/04 with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Janice Bowers

Signature

Janice Bowers

Type or Print Name